

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

IN RE: ZIMMER NEXGEN KNEE
IMPLANT PRODUCTS LIABILITY
LITIGATION

MDL NO. 2272

This Document Relates to:

Master Docket Case No. 1:11-cv-05468

Christine Osborn v. Zimmer, Inc., et al., Case
No. 1:12-cv-07171

Honorable Rebecca Pallmeyer

MOTION FOR TRANSFER TO PROPER VENUE

The plaintiff, Christine Osborn ("Plaintiff"), respectfully moves the court for an order pursuant to 28 U.S.C. § 1406 to transfer the above-captioned case to the United States District Court for the Northern District of Indiana. In support of this Motion, the Plaintiff states as follows:

1. On September 7, 2012, Plaintiff filed a complaint against the Zimmer Entities¹ directly into the Zimmer NexGen Knee Implant Products Liability MDL in the District Court for the Northern District of Illinois. For the reasons set forth below, venue does not lie in this District.

2. Plaintiff is a resident of Michigan.

3. Defendant Zimmer, Inc., is a corporation organized and existing under the laws of Delaware, and has its principal place of business located in Warsaw, Indiana.

4. Defendant Zimmer Holdings, Inc. is a corporation organized and existing under the laws of Delaware, and has its principal place of business located in Warsaw, Indiana.

5. Defendant Zimmer Orthopaedic Surgical Products, Inc. is a corporation organized and existing under the laws of Delaware, and has its principal place of business in Dover, Ohio.

¹ For purposes of this Motion, the "Zimmer Entities" includes the following entities: Zimmer, Inc., Zimmer Holdings, Inc., and Zimmer Surgical, Inc., f/k/a Zimmer Orthopaedic Surgical Products, Inc.

6. Pursuant to 28 U.S.C. § 1391(b)(1), the United States District Court for the Northern District of Indiana is a proper venue for this matter.

7. Counsel for the Zimmer Entities does not object to the transfer of this matter to the District Court for the Northern District of Indiana.

8. Once this matter has been transferred to the District Court for the Northern District of Indiana, either party may file a tag-along notice, pursuant to the procedures established by the Judicial Panel On Multidistrict Litigation, for the transfer of this case back to the Northern District of Illinois and into the Zimmer NexGen Knee Implant Products Liability MDL.

WHEREFORE, Plaintiffs respectfully request the Court to issue an order transferring the above-captioned case to the District Court for the Northern District of Indiana.

Dated: October 18, 2012

Respectfully Submitted,

/s/ Peter J. Flowers

Peter J. Flowers

FOOTE, MEYERS, MIELKE & FLOWERS

3 North Second Street, Suite 300

St. Charles, IL 60174

Phone: 630-232-6333

Fax: 630-845-8982

Email: pjf@foote-meyers.com

Attorney for Plaintiff Christine Osborn

CERTIFICATE OF SERVICE

I do hereby certify that on this 18 day of October, 2012 a true and correct copy of the foregoing was electronically filed with the Clerk of Court and served using the CM/ECF system.

/s/ Peter J. Flowers

Peter J. Flowers

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